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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re Y.W., a Person Coming
Under the Juvenile Court Law.

B289893

(Los Angeles County
Super. Ct. No.
18CCJP00624A)

LOS ANGELES COUNTY
DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES,

Plaintiff and Respondent,

v.

W.W.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of
Los Angeles County, Kim L. Nguyen, Judge. Remanded.

Lisa Raneri, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wikham, County Counsel, and Kimberly Roura, Deputy County Counsel, for Plaintiff and Respondent.

W.W., the father of 11-year-old Y.W., appeals the juvenile court's April 11, 2018 jurisdiction findings and disposition order declaring Y.W. a dependent child of the court pursuant to Welfare and Institutions Code sections 300, subdivision (b)(1), and 361, removing Y.W. from his parents' custody, ordering Y.W. suitably placed under the supervision of the Los Angeles County Department of Children and Family Services and directing the Department to provide W.W. with family reunification services and monitored visitation.

On appeal W.W. contends the juvenile court failed to comply with the procedural requirements of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (Fam. Code, § 3400 et seq.) notwithstanding having been informed that a Chinese court had issued an initial custody decree regarding Y.W., who was born in China and whose mother (divorced from W.W. when Y.W. was two years old) still lives there. Although W.W. acknowledges that California is Y.W.'s "home state" under the UCCJEA because Y.W. lived in this state for more than six months prior to the commencement of these dependency proceedings (see Fam. Code § 3421, subd. (a)(1)), W.W. argues California could not modify the Chinese court's first-in-time custody decree, other than for properly invoked emergency purposes, until the Chinese courts determined they no

longer wished to exercise their exclusive and continuing jurisdiction over the matter. (See Fam. Code, § 3422.)

On February 15, 2019, after reviewing the record on appeal, the Department notified this court that it agrees with W.W., as do we, that the April 11, 2018 findings and order should be reversed with directions to the juvenile court to proceed in accordance with the UCCJEA, including seeking additional information from W.W. regarding the prior child custody order and attempting to contact the appropriate Chinese court. Because W.W. does not challenge any other aspect of the juvenile court's April 11, 2018 findings and order, if the Chinese court declines to exercise jurisdiction, those findings and order should be reinstated. (See *In re Aiden L.* (2017) 16 Cal.App.5th 508, 523; *In re A.M.* (2014) 224 Cal.App.4th 593, 599-600.)

DISPOSITION

The April 11, 2018 findings and order are vacated, and the cause remanded for the juvenile court to proceed in conformity with the procedural requirements of the UCCJEA. If the court concludes it may properly exercise jurisdiction in this case, the April 11, 2018 findings and orders may be reinstated.

PERLUSS, P. J.

We concur:

ZELON, J.

SEGAL, J.